Wetlands Bureau Decision Report

Decisions Taken 03/24/2003 to 03/28/2003

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

- I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:
 - 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
 - 2) provide new evidence or information to support the requested action;
 - 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
 - 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.
- II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:
 - 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
 - 2) contain a detailed description of the land involved in the department's decision; and
 - 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

Decision Report For Actions Taken

03/24/2003 to 03/28/2003

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03/31/2003

MAJOR IMPACT PROJECT

2000-00309 SULLIVAN TRUST, WALLY L & DANIEL J

SEABROOK Sand Dune

Requested Action:

Amend permit conditions to alter the permitted footprint of the residence according to plans by Millennium Engineering, Inc. dated February 18, 2003 with revisions dated March 21, 2003, as received by the Department on March 21, 2003, and request name change to Roland Couillard to impact a total of 8,000 square feet of sand dune to construct a dwelling, and associated driveway.

Conservation Commission/Staff Comments:

Con. Com. has worked closely with DES in review of this project and concurs with this decision.

Inspection Date: 04/18/2000 by Dori A Wiggin Inspection Date: 06/30/2000 by Dori A Wiggin

APPROVE AMENDMENT:

Impact a total of 8,000 square feet of sand dune to construct a dwelling and associated driveway, with one revised permit condition and one added permit condition, and change name to Roland Couillard, per revised plans as described below.

With Conditions:

- 1. Revised condition: All work shall be in accordance with plans by Millennium Engineering, Inc. dated February 18, 2000 with revisions dated March 21, 2003, as received by the Department on March 21, 2003.
- 2. Added condition: A copy of the recorded deed demonstrating Mr. Couillard's ownership of the property shall be sent to DES.

With Findings:

2. Revised finding: The Couillard property is generally surrounded with development and this approval is consistent with other sand dune approvals issued for the developed portion of Seabrook Beach behind the fore dune.

2002-00018 WINDMILL SHORES COMM. ASSOC.

LACONIA Lake Winnipesaukee

Requested Action:

Amend Permit: remove condition # 6, "Work shall be done during drawdown."

Conservation Commission/Staff Comments:

Con Com signed Expedited Application

Inspection Date: 05/30/2002 by Dale R Keirstead

APPROVE AMENDMENT:

Remove 325 cy of sand from 5709 sqft of existing beach and replace with 325 cy of new sand in the same footprint on 155 ft of frontage on Opechee Bay, Laconia.

- 1. All work shall be in accordance with plans by Robert Durfee dated November 2001, as received by the Department on January 22, 2003.
- 2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or

revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

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- 3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
- 5. All exposed soil areas outside of the beach area shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 6. Repair shall maintain existing size, location and configuration.
- 7. Area shall be regraded to original contours following completion of work.
- 8. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
- 9. No more than 325 cu. yds. of sand may be used and all sand shall be located above the normal high water line, elevation 492.0.
- 10. This permit shall be used only once, and does not allow for annual beach replenishment.
- 11. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
- 12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
- 13. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
- 14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a major impact project per Administrative Rule Wt 303.02(o).
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. DES Staff conducted a field inspection of the proposed project on May 30, 2002.
- 6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Opechee Bay.
- 7. The agent for the applicant has addressed the concerns of the DES Wetlands Bureau.

2002-00128 W/S EPPING LLC & REALTY ACQ LLC, C/O JOHN CORBETT

EPPING Unnamed Wetland

Requested Action:

Request for permit amendment to fill approximately 1,602 square feet of forested wetlands to alter the design of the roadway roundabout to improve the alignment of the roads entering the roundabout and to achieve proper truck turning radii. Modify the language of permit conditions #29 and #30 and add four additional permit conditions.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated May 31, 2002, the Epping Conservation Commission expressed support for the proposed project.

The DES Wetlands Bureau did not receive written comments from the Epping Conservation Commission regarding the permit amendment request.

Inspection Date: 07/24/2000 by Gino E Infascelli Inspection Date: 06/21/2001 by Gino E Infascelli Inspection Date: 04/27/1989 by Frank D Richardson Inspection Date: 03/18/2002 by Christian P Williams

APPROVE AMENDMENT:

Dredge and fill approximately 9.44 acres (411,152 square feet) of emergent, forested and scrub-shrub wetlands and open water to construct a combination commercial/retail and industrial complex. Permanent jurisdictional impacts include approximately 8.08

acres (351,970 square feet) for building and parking construction, 1.20 acres (53,826 square feet) for roadway construction, and approximately 0.05 acre (2,050 square feet) for construction of a stormwater detention pond. Temporary jurisdictional impacts include approximately 0.08 acre (3,306 square feet) for installation of retaining walls. Compensatory mitigation for permanent jurisdictional impacts shall include preservation of a total of approximately 71.45 acres of upland buffer and contiguous wetlands at two off-site locations, preservation of approximately 114.8 acres of upland buffer and contiguous wetlands on-site, creation of 2,173 square feet of vernal pool habitat on-site, maintenance and management of approximately 9.3 acres of emergent and scrub-shrub wetlands and upland area on-site as successional wildlife habitat, and enhancement of approximately 24 acres of open water and associated emergent wetlands on-site.

- 1. All work shall be in accordance with the following plans:
- a. Retail Component Site Development Plans by Gorrill-Palmer Consulting Engineers, Inc. dated March 2001; Drawings WC-2, WC-8A, WC-8D, and WC-9B revised April 25, 2002, as received by the Department on May 1, 2002; Drawings WC-8B, WC-8C and WC-9C revised October 5, 2001, as received by the Department on January 23, 2002; Drawing WC-9A revised June 6, 2001, as received by the Department on January 23, 2002; and Drawings WC-3, WC-18, WC-19 and WC-20 as received by the Department on January 23, 2002;
- b. The Wetlands Impact Plan (Drawing WI-1) by Gorrill-Palmer Consulting Engineers, Inc. dated April 2001 and last revised February 21, 2003, as received by the Department on March 10, 2003;
- c. Industrial Component Site Development Plans by Jones & Beach Engineers, Inc. dated March 22, 2001 and revised April 25, 2002, as received by the Department on May 13, 2002;
- d. On-Site Mitigation Concepts Plan ("On-Site Compensatory Mitigation Plan") by NH Soil Consultants, Inc. dated May 2001 and revised April 29, 2002, as received by the Department on May 7, 2002.
- e. Pond Enhancement Plan ("Pond Enhancement Plan") by NH Soil Consultants, Inc. dated June 2001, as received by the Department on May 7, 2002;
- f. On-Site Mitigation Notes and Specifications by NH Soil Consultants, Inc. revised May 22, 2001, as received by the Department on January 23, 2002; and
- g. Fresh and Piscassic River Conservation Area Plans ("Off-Site Compensatory Mitigation Plans") by NH Soil Consultants, Inc. dated February 2001 and revised May 22, 2001, as received by the Department on January 23, 2002.
- 2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback, except for anticipated temporary wetlands impacts associated with utility installation.
- 3. This permit is contingent on approval by the DES Site Specific Program.
- 4. At least 48 hours prior to the start of construction a pre-construction meeting shall be held at the project site with DES Land Resources Management Program staff to review the conditions of this permit and the DES Site Specific Permit. It shall be the responsibility of the permittees to schedule the pre-construction meeting, and the meeting shall be attended by the permittees, their professional engineers or wetlands scientists, and the contractor(s) responsible for performing the work.
- 5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 6. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
- 8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
- 9. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
- 10. Temporary wetland impact areas shall be regraded to original contours, planted with a wetland seed mix and stabilized immediately following completion of work.
- 11. Proper headwalls shall be constructed within seven days of culvert installation.
- 12. Stone aprons shall be installed at culvert outlets to dissipate flow velocities and prevent scour and erosion.
- 13. Work shall be conducted during low flow.
- 14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 15. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
- 16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or

netting and pinning on slopes steeper than 3:1.

- 17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
- 20. The permittee shall maintain and manage 8.83 acres of emergent and scrub-shrub wetlands and 0.47 acre of upland area located at the southwest portion of the site as successional wildlife habitat area. This area shall be managed in accordance with the Management Protocol for Successional Habitat Area described in the On-Site Mitigation Notes and Specifications by NH Soil Consultants, Inc. revised May 22, 2001, as received by the Department on January 23, 2002.
- 21. The successional wildlife habitat area shall be preserved from future development.
- 22. The permittee shall create and maintain a wildlife travel corridor between the existing pond and proposed building "A", as shown in part on Drawing WC-8D of the Retail Component Site Development Plans by Gorrill-Palmer Consulting Engineers, Inc. dated March 2001 and revised April 25, 2002, as received by the Department on May 1, 2002.
- 23. The width of the wildlife travel corridor shall be a minimum of 109 feet.
- 24. The wildlife travel corridor shall be preserved from future development.

Upland Buffer and Wetland preservation:

- 25. This permit is contingent upon the execution of conservation easements on a total of approximately 186.25 acres as follows:
- a. Preservation of approximately 93.4 acres of emergent, forested, and scrub-shrub wetlands and open water, and 21.4 acres of contiguous upland buffer, as depicted on the On-Site Compensatory Mitigation Plan;
- b. Preservation of approximately 11.87 acres of emergent, forested, and scrub-shrub wetlands and open water, and 41.58 acres of contiguous upland buffer at the Fresh River Conservation Area located on Lot 11 (Epping Tax Map 39) and Lot 5 (Exeter Tax Map 15), as depicted on the Off-Site Compensatory Mitigation Plan; and
- c. Preservation of approximately 9.56 acres of emergent, forested, and scrub-shrub wetlands, and approximately 8.44 acres of contiguous upland buffer at the Piscassic River Conservation Area located on Lot 25 (Epping Tax Map 32), as depicted on the Off-Site Compensatory Mitigation Plan.
- 26. The plans noting the conservation easement areas with a copy of final easement language shall be recorded with the County Registry of Deeds Office for each appropriate lot prior to commencement of construction. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
- 27. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
- 28. There shall be no removal of the existing vegetative undergrowth within the easement areas, except for activities associated with creation of vernal pool areas and management of successional wildlife habitat areas on-site, and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is strictly prohibited.
- 29. The on-site conservation easement areas shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
- 30. Signs to indicate the location of and restrictions on the on-site conservation easement areas shall be posted every 150 feet along the boundaries of the on-site conservation easement areas prior to construction.
- 31. The Fresh River Conservation Area shall be surveyed by a licensed surveyor along Birch Road and the Fresh River; and marked with signs posted every 100 feet along the edge of Birch Road and at the top of the bank of the Fresh River no later than May 15, 2003. The signs shall indicate the location of and restrictions on the Fresh River Conservation Area.
- 32. The Piscassic River Conservation Area shall be surveyed by a licensed surveyor and marked with signs posted every 100 feet along known property boundaries or top of bank no later than May 15, 2003. The signs shall indicate the location of and restrictions on the Piscassic River Conservation Area.
- 33. If there is a change in use to the properties abutting the Fresh River Conservation Area to the north and east the remaining property boundaries shall be surveyed by a licensed surveyor, marked by monuments and posted with signs to indicate the location of and restrictions on the Conservation Area within thirty days of the change in use. If the abutting properties to the north and east become encumbered as part of a conservation easement during the five year period of this permit, the Department shall waive the requirement to survey, mark by monuments and post with signs the remaining property boundaries provided a copy of said conservation easement is submitted to the Department for review. If there is no change in use to the properties abutting the Fresh River Conservation Area to the north and east and these abutting properties do no become encumbered as part of a conservation

easement during the five year period of this permit, the remaining property boundaries shall be surveyed by a licensed surveyor, marked by monuments and posted with signs to indicate the location of and restrictions on the Conservation Area no later than sixty days prior to the expiration date of this permit.

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34. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services.

Wetland creation:

- 35. This permit is contingent upon creation of 2,173 square feet of vernal pools in accordance with the On-Site Compensatory Mitigation Plan.
- 36. The schedule for construction of the vernal pools shall be in accordance with the Mitigation Construction Sequence described in the On-Site Mitigation Notes and Specifications by NH Soil Consultants, Inc. revised May 22, 2001, as received by the Department on January 23, 2002.
- 37. Vernal pool creation shall be in accordance with the Vernal Pool Creation Specifications described in the On-Site Mitigation Notes and Specifications by NH Soil Consultants, Inc. revised May 22, 2001, as received by the Department on January 23, 2002.
- 38. The DES Wetlands Bureau shall be notified in writing at least 48 hours prior to construction of the vernal pool creation areas.
- 39. Vernal pool creation areas shall be monitored during and following construction by a wetland scientist.
- 40. A yearly monitoring report noting site conditions, water levels through spring months, and amphibian and/or reptile use during breeding season shall be submitted to the DES Wetlands Bureau and Epping Conservation Commission for five (5) successive years following vernal pool construction. The report shall describe corrective/remedial measures necessary to create functioning vernal pools similar to those destroyed by the project.
- 41. Vernal pool creation areas shall be preserved from future development.

Wetland Enhancement:

- 42. This permit is contingent upon enhancement of approximately 24 acres of open water and emergent wetlands in accordance with the Pond Enhancement Plan.
- 43. Commencement of enhancement activities shall occur immediately following roadway construction and shall be in accordance with the Wetland Enhancement Specifications described in the On-Site Mitigation Notes and Specifications by NH Soil Consultants, Inc. revised May 22, 2001, as received by the Department on January 23, 2002.
- 44. Wetland enhancement activities shall be monitored by a wetland scientist.
- 45. Wetland enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
- 46. Wetland enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
- 47. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the wetland enhancement area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of wetland enhancement areas.
- 48. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (Lythrum salicaria) and common reed (Phragmites australis) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
- 49. Wetland enhancement areas shall be preserved from future development.

- 1. The proposed modification to the design of the roadway roundabout will improve the alignment of the roads entering the roundabout and achieve proper truck turning radii, thereby improving safety.
- 2. The need for 1,602 square feet of additional wetlands impacts has been demonstrated by the applicant, per Rule Wt 302.01(b).
- 3. The modifications to permit conditions #29 and #30 and the addition of permit conditions #31 and #32 allow the applicant to post with signs only the known property boundaries of the off-site conservation areas, and reduces the spacing between posted signs from 150 feet to 100 feet. In addition, permit conditions #31 and #32 extend the deadline to May 15, 2003 for posting with signs the known boundaries of the off-site conservation areas. Furthermore, permit conditions #31 and #32 eliminate the requirement to mark the known property boundaries of the off-site conservation areas with monuments because of the difficulties associated with

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placing monuments along the centerline of Birch Road and in the Fresh and Piscassic Rivers.

4. Condition #34 was added to the permit because evidence has been submitted to the Department indicating that the abutting properties north and east of the Fresh River Conservation Area, which are currently owned by the Winthrop Dow Estate, are being considered for conservation easement by the Town of Exeter.

2002-00822 LACONIA, CITY OF

GILFORD Jewett Brook

Requested Action:

Dredge and fill approximately 65,792 sq ft within forested wetlands and within the bed and banks of two perennial streams and three intermittent streams to construct a roadway to provide access to a 20-lot industrial park. Preserve via conservation easement 16.5 acres on site, including 6.5 acres of wetlands and 10 acres of contiguous upland buffer.

Conservation Commission/Staff Comments:

The Gilford Conservation Commission has agreed to hold the conservation easement proposed by the applicant.

Inspection Date: 05/22/2002 by Doug W Cygan

APPROVE PERMIT:

Dredge and fill approximately 65,792 sq ft within forested wetlands and within the bed and banks of two perennial streams and three intermittent streams to construct a roadway to provide access to a 20-lot industrial park. Preserve via conservation easement 16.5 acres on site, including 6.5 acres of wetlands and 10 acres of contiguous upland buffer.

- 1. All work shall be in accordance with plans by SEA Consultants Inc dated January 2003 and revised through March 11, 2003, as received by the Department on March 12, 2003 ("Approved Plans").
- 2. This permit is contingent on approval by the DES Site Specific Program.
- 3. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
- 4. Work shall be conducted during low flow conditions.
- 5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
- 7. The deed which accompanies the sales transaction for lots 204-003.001, 204-003.002, 204-003.004, 204-003.005 204-003.016, 204-003.017, and 204-003.018 as shown on the Approved Plans, shall contain an easement for future construction of a pedestrian trail.
- 8. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to the start of construction.
- 9. The contractor shall submit final stream diversion plans/construction sequence for the Jewett Brook crossing to the DES Wetlands Bureau for review and approval prior to construction.
- 10. The proposed crossing of Jewett Brook on Lot 204-003.010 for construction of a pedestrian path shall be accomplished through installation of a bridge impacting no more than 350 square feet within the banks of Jewett Brook.
- 11. The proposed crossing of the intermittent stream on Lot 204-003.010 for construction of a pedestrian path shall be accomplished through installation of two 24-inch x 15-foot culverts placed at grade.
- 12. This permit is contingent upon the execution of a conservation easement on 16.5 acres as depicted on plans received March 4, 2003.
- 13. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
- 14. Draft conservation easement language shall be submitted to the DES Wetlands Bureau and local Conservation Commission for review and approval prior to construction.
- 15. The plan noting the conservation easement with a copy of the final easement language shall be recorded at the Belknap County

Registry of Deeds Office. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

- 16. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
- 17. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
- 18. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
- 19. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
- 20. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands
- 21. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
- 22. Extreme precautions shall be taken within riparian areas to limit removal of vegetation during access road construction, and areas cleared of vegetation shall be revegetated within three days of the completion of this project.
- 23. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
- 24. The permittee shall notify the DES Wetlands Bureau in writing within 24-hours of an erosion event resulting in sediment entering a wetland or surface water that results in turbidity or water quality degradation.
- 25. Construction equipment shall not be located within surface waters.
- 26. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
- 27. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in their use.
- 28. All refueling of equipment shall occur outside of jurisdiction during construction.
- 29. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
- 30. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer
- 31. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
- 32. The applicant shall submit a post-construction report with the DES Wetlands Bureau within 30 days of the completion of the Jewett Brook crossing. Said report shall contain photographic documentation of the restored stream. The DES Wetlands Bureau may require additional restoration work if the stream is not adequately restored.
- 33. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
- 34. Proper headwalls shall be constructed within seven days of culvert installation.
- 35. Culvert outlets shall be properly rip rapped.
- 36. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 37. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 38. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 39. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Storm water Runoff Manual (January, 1996) and the Storm water Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

- 1. This is a major impact project per Administrative Rule Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
- 2. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 3. DES Staff conducted a field inspection of the proposed project on May 22, 2002. Field inspection determined that the wetland system was accurately depicted on the plans.

- 4. The public hearing is waived with the finding that project impacts will not significantly impair the resources of this riverine wetland ecosystem.
- 5. To compensate for permanent jurisdictional impacts the applicant will preserve via conservation easement approximately 16.5 acres of wetland and contiguous upland buffer.
- 6. On March 4, 2003 the Gilford Conservation Commission agreed to accept the proposed conservation easement.
- 7. The applicant is proposing to construct pedestrian trails for the general public to enjoy the open spaces remaining on this lot.
- 8. This is the final phase of this development.
- 9. In a letter dated February 7, 2002 the NH Natural Heritage Inventory indicated that it has no recorded occurrences for sensitive species near the project area.

2002-01074 STILLWATER PROPERTIES LLC, C/O FRED WESTON

03/24/2003 to 03/28/2003

DUNBARTON Unnamed Stream

Requested Action:

Amend permit to change the permanent conservation easement to a deed restriction and to reduce the amount of conservation land from 11.34 acres to 7.27 acres, and to allow the remaining 4.07 acres of land to be available for additional recreational use by the Town of Dunbarton.

Conservation Commission/Staff Comments:

- *In a letter dated 5/17/02, NHI stated that there are no recorded occurrences of sensitive species near the project area.
- *In a letter dated 5/23/02, NH DHR stated that there are no known historical sites; however, the area does exhibit archeological sensitivity.
- *The Dunbarton Conservation Commission submitted numerous comments and concerns about the overall design and associated impacts of the project -- refer to letters in file.

Inspection Date: 08/30/2002 by Earle L Chase

APPROVE AMENDMENT:

Amend permit to read: Dredge and fill 14,158 square feet of palustrine wetlands and install four (4) culverts impacting 285 linear feet of intermittent streams to construct a subdivision road (and one driveway) for a 15-lot subdivision for single-family housing on 68.35 acres of land. Mitigate by placing a conservation deed restriction on 7.27 acres of undeveloped land (2.8 acres of upland and 4.47 acres of wetland) to offset project impacts. An additional 4.07 acres of land will be available for additional recreational use by the Town of Dunbarton.

- 1. All work shall be in accordance with revised plans by W.G. Howard & Associates dated 3/25/03, as received by the Department on 3/26/03.
- 2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
- 4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
- 5. This permit is contingent on approval by the DES Site Specific Program.
- 6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 7. This permit is contingent upon the execution of a conservation deed restriction on 7.27 acres of undeveloped land as depicted on the revised subdivision plans.
- 8. The deed restriction to be placed on the conservation area shall be written to run with the land, and both existing and future property owners shall be subject to this restriction.
- 9. The plan noting the deed restriction with a copy of the final deed restriction language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
- 10. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain

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photographic documentation of the conservation area to serve as a baseline for future monitoring, and shall be submitted to the DES and the grantee prior to construction.

- 11. The conservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
- 12. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.

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- 13. There shall be no removal of the existing vegetative undergrowth within the conservation area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
- 14. Activities in contravention of the deed restriction shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
- 15. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 16. Work shall be done during low flow or dry conditions.
- 17. Proper headwalls shall be installed over the culvert ends within five (5) days of culvert installation.
- 18. Culvert outlets shall be properly rip rapped.
- 19. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
- 20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 23. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

- 1. This project is considered a Major Project per NH Administrative Rule Wt 303.02(i), as impacts are greater than 200 linear feet within seasonal streams.
- 2. The Dunbarton Conservation Commission (DCC) proposed re-aligning the proposed subdivision road both vertically and directionally to reduce the amount and number of wetland crossings. Re-engineered plans done by W.G. Howard & Associates to examine the realignment alternative showed that the DCC's proposal would not significantly reduce the amount of proposed wetland impacts and that the realignment did not take into account geometric safety requirements, cover requirements of proposed drainage facilities and access to proposed residential lots.
- 3. DES staff inspected that site on 8/30/02 and found that the proposed crossing locations had avoided and minimized impacts to wetlands and/or surface waters.
- 4. The latest revised access road plan dated 9/16/02 was designed to further avoid wetland impacts by crossing at the narrowest points and by reducing the proposed side slopes of the road.
- 5. Public hearing is waived with the finding that project will not significantly impact the resources of the palustrine forested wetlands and seasonal streams in this area.
- 6. The applicant is proposing to place a conservation deed restriction on 7.27 acres of land to offset wetland impacts, which includes 2.8 acres of palustrine forested wetlands and 4.47 acres of upland buffer. An additional 4.07 acres of land will be available for additional recreational use for the Town of Dunbarton.
- 7. The proposed conservation land meets the ratios of the draft mitigation rules by providing 137% of the required land preservation with upland buffer.

2002-01765 BALD PEAK LAND CO., ATTEN: DAN BELLINGER MOULTONBOROUGH Lake Winnipesaukee

Requested Action:

Completely remove a 12 ft x 93 ft 7 in crib pier and four 23 in x 16 ft 9 in piling piers and construct a 6 ft by 146 ft piling pier with ten 2 ft x 23 ft finger piers terminating at a 4 ft x 52 ft piling pier accessed by a 6 ft x 6X ft walkway adjacent to an existing 16 slip

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permanent docking facility on 426 ft of frontage on Lake Winnipesaukee.

APPROVE PERMIT:

Completely remove a 12 ft x 93 ft 7 in crib pier and four 23 in x 16 ft 9 in piling piers and construct a 6 ft by 146 ft piling pier with ten 2 ft x 23 ft finger piers terminating at a 4 ft x 52 ft piling pier accessed by a 6 ft x 6X ft walkway adjacent to an existing 16 slip permanent docking facility on 426 ft of frontage on Lake Winnipesaukee.

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With Conditions:

- 1. All work shall be in accordance with plans by Dan Bellinger dated February 12, 2002, as received by the Department on August 8, 2002.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. All dredged or excavated material and construction related debris shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
- 4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 6. This permit does not allow for maintenance dredging.
- 7. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
- 8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 9. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
- 10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
- 11. The applicant shall file a restrictive covenant in the appropriate registry of deeds dedicating the shoreline frontage of lots identified as Moultonborough tax map/lot number 95-56 and Tuftonboro tax map/lot numbers 2-1-8 and 2-1-3 to those structures constructed on the lot identified as Moultonborough tax map/lot number 94-17.
- 12. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
- 12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

- 1. This project is classified as major project per Rule Wt 303.02(d), construction of a major docking facility.
- 2. In accordance with Rule Wt 304.10(a), Shoreline Structures, all shoreline structures shall meet the requirements of Chapter Wt 400.
- 3. In accordance with Rule Wt 304.16, Alternative Considerations, the department may waive any of the criteria of Chapter Wt 300 including Rule Wt 304.10.
- 4. The total square feet of construction surface area associated with the docking facility as proposed, is less than the total area that would result if the existing structures were retained and new structures were constructed to provide the requested number of slips of those frontages to be restricted. Therefore, the requirements of Rule Wt 402.22, Modification of Existing Structures, are waived.
- 5. This facility does not meet the definition of a marina per Rule Wt 101.49, and therefore has been evaluated under the frontage criteria of Rule Wt 402.14, Frontage Over 75'.
- 6. In accordance with Rule Wt 402.14, frontage over 75', the applicant has sufficient frontage on the non-contiguous lots identified as Moultonborough tax map/lot number 95-56 and Tuftonboro tax map/lot numbers 2-1-8 and 2-1-3 to construct 3 independent docking facilities providing 12 boat slips.
- 7. The proposed modifications will provide an additional 12 slips on the frontage of the lot identified as Moultonborough tax map/lot number 94-17 and, therefore, meets the intent of Rule Wt 402.14.
- 8. Public hearing is waived based on field inspection by DES staff conducted during the review of the previous application

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1999-461 with the finding that the project impacts will not significantly impair the resources of Lake Winnipesaukee.

9. The consolidation of docking facilities as proposed is less environmentally impacting and less intrusive to the public interest than the construction of 3 new independent docking facilities, therefore, Rule Wt 402.18, Contiguous Frontage, is waived.

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10. The approved plans are not drawn to scale, nor do they show any dimensions for the adjacent 16 slip docking facility. Therefore, the approval of these plans in no way constitutes the department's acceptance of the adjacent structure as legally existing and/or compliant with the rules and permits pertaining to that structure at this time.

-Send to Governor and Executive Council-

2002-01847 HAMPTON, TOWN OF

HAMPTON Meadow Pond

Requested Action:

Inspection Date: 01/03/2003 by Craig D Rennie

APPROVE PERMIT:

Impact approximately 1,000 square feet within tidal marsh and tidal buffer zone to install Tideflex valves at the existing 12" and 18" culvert outlets, to construct a plunge pool (approximately 15' diameter) at the pipe outlets, and to remove existing fill and debris adjacent to the culvert outlets (approximately 20' x 40' area). In addition, a 34,000 square foot area of tall reed (Phragmites australis) will be moved down to the existing marsh grade, and the plunge pool will remove a portion of the existing reed stand.

With Conditions:

- 1. All work shall be in accordance with the revised plans by Emanuel Engineering, Inc. dated 2/3/03, as received by the Department on 2/4/03.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. DES Wetlands staff and the Hampton Conservation Commission shall be notified in writing a minimum of five (5) days prior to commencement of work.
- 4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on the salt marsh.
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 6. Work shall be done during low flow and low tide conditions
- 7. Proper headwalls shall be constructed over the culvert ends.
- 8. Culvert outlets shall be properly rip rapped.
- 9. DES Wetlands staff shall be notified upon project completion.

- 1. This is a Major Project per NH Administrative Rule Wt 303.02(a), projects in tidal wetlands.
- 2. Per Wt 302.01(a) and 302.04(a)(1), the need for the proposed impacts have been demonstrated, as the proposed project will provide significant improvements to the stormwater drainage outlet into the tidal salt marsh while preventing the accumulation of sediment, which currently blocks the drainage outlet.
- 3. Per Wt. 302.03 and Wt. 302.04(2), the above-listed project description represents a solution to the existing drainage problems, and is the alternative with the least adverse impact to areas and environments under the DES jurisdiction.
- 4. Public hearing for this project is waived based upon DES field inspections on January 3, 2003, which found that the above-listed project description will provide a solution to the existing drainage problem without causing any additional adverse impact to the surrounding environment.

2002-02397 LORD, DANIEL

SALEM Unnamed Wetland

Requested Action:

Permanently impact approximately 8,588 square feet and temporarily impact approximately 14,004 square feet of forested and scrub-shrub wetlands and an intermittent stream in and adjacent to Salem Prime Wetland #2 to construct a roadway to provide access to a senior housing community on approximately 83 acres. Preserve through conservation easement approximately 39 acres on-site, including approximately 30.3 acres of forested wetlands and approximately 8.7 acres of contiguous upland buffer, and construct 8.588 square feet of forested wetlands on-site.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated December 5, 2002 the Salem Conservation Commission (ConCom) recommended to approve the request for re-delineation of the boundary of Prime Wetland #2 and recommended to deny the application to fill Prime Wetland #2 for roadway construction. The Salem ConCom recommended an alternative roadway alignment that would not impact Prime Wetland #2 or the Town's Prime Wetland Buffer.

Inspection Date: 02/14/2003 by Christian P Williams

APPROVE PERMIT:

Permanently impact approximately 8,588 square feet and temporarily impact approximately 14,004 square feet of forested and scrub-shrub wetlands and an intermittent stream in and adjacent to Salem Prime Wetland #2 to construct a roadway to provide access to a senior housing community on approximately 83 acres. Preserve through conservation easement approximately 39 acres on-site, including approximately 30.3 acres of forested wetlands and approximately 8.7 acres of contiguous upland buffer, and construct 8,588 square feet of forested wetlands on-site.

- 1. All work shall be in accordance with the Wetland Impact Overview Plan (Sheet 4 of 10), the NHDES Grading & Utility Plans (Sheets 5 & 6 of 10), the Roadway Plan & Profiles (Sheets 8 & 9 of 10) and the NHDES Construction Detail (Sheet 10 of 10) by TF Moran, Inc. dated October 23, 2002 and revised March 6, 2003, as received by the Department on March 12, 2003.
- 2. This permit is contingent on approval by the DES Site Specific Program.
- 3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. The deed for Salem Tax Map 109, Lot 7900 shall include the conditions of this permit.
- 5. The applicant shall notify the DES Wetlands Bureau and the Salem Conservation Commission in writing at least 48 hours prior to the commencement of project construction.
- 6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 7. There shall be no additional vehicular access to the site from Veterans Memorial Parkway.
- 8. The applicant shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
- 9. Work shall be conducted during low flow conditions.
- 10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 11. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 12. Proper headwalls shall be constructed within seven days of culvert installation.
- 13. Stone aprons shall be installed at culvert outlets where appropriate to dissipate flow velocities and prevent scour and erosion.
- 14. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
- 15. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be

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stabilized within 14 days by seeding and mulching.

- 18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Wetland Preservation:

- 20. This permit is contingent upon the execution of a conservation easement on approximately 39 acres as depicted on the Wetland Impact Overview Plan by TF Moran, Inc. dated October 23, 2002 and revised March 6, 2003, as received by the Department on March 12, 2003.
- 21. The conservation easement to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
- 22. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to construction.
- 23. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction
- 24. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
- 25. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
- 26. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services.

Wetland Creation:

- 27. This permit is contingent upon the creation of 8,588 square feet of wetlands in accordance with the Wetland Impact Overview Plan (Sheet 4 of 10) and the NHDES Grading & Utility Plan (Sheet 6 of 10) by TF Moran, Inc. dated October 23, 2002 and revised March 6, 2003, as received by the Department on March 12, 2003.
- 28. The schedule for construction of the wetland creation area shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau.
- 29. The wetland creation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans, and remedial actions shall be taken as necessary to create functioning wetlands similar to those wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species.
- wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
- 30. The permittee shall designate a qualified professional who shall have the responsibility to monitor and ensure that the wetland creation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and that remedial measures are taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
- 31. A post-construction report documenting the status of the wetland creation area shall be submitted to the DES Wetlands Bureau within 60 days of the completion of the wetland creation area.
- 32. The permittee shall conduct a follow-up inspection after the first growing season to review the success of the wetland creation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted to the DES Wetlands Bureau by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of the wetland creation area.
- 33. The wetland creation area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
- 34. After at least five full growing seasons, the permittee shall delineate the wetlands within the wetland creation area and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.
- 35. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation area. In other areas where the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment

36. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (Lythrum salicaria) and common reed (Phragmites australis) by measures agreed upon by the Wetlands Bureau if the species is found in the wetland creation area during construction and during the early stages of vegetative establishment.

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With Findings:

- 1. The project is categorized as a Major Project, per Administrative Rules Wt 303.02(c) and Wt 303.02(f), as the project involves alteration of greater than 20,000 square feet of nontidal wetlands and surface waters, and as the project is located in and adjacent to designated prime wetlands under RSA 482-A:15.
- 2. To minimize permanent impacts to Salem Prime Wetland #2, the applicant is proposing to construct a bridge over a portion of the Prime Wetland.
- 3. The access roadway has been re-aligned to avoid impacts to potential vernal pool habitat.
- 4. The Wetlands Bureau finds that access to the site off Cluff Road is not a practicable alternative due to engineering constraints and safety issues.
- 5. The applicant has submitted revised plans to the DES Wetlands Bureau depicting a more precise delineation of the Prime Wetland boundary, in accordance with Rule Wt 703.04. Based on review of the revised plans, the DES Wetlands Bureau hereby approves the revised Prime Wetland boundary.
- 6. In a letter dated July 19, 2001, the NH Natural Heritage Inventory (NHI) identified the presence of one sensitive species, swamp azalea, and an exemplary natural community, a Southern New England floodplain forest, in the vicinity of the project area.
- 7. Based on information contained in the application the Department finds that the swamp azalea area identified by the NH NHI is located east of the proposed access roadway in an area that will be incorporated into the proposed on-site conservation easement area. As a result, the Department finds that the proposed project will not adversely affect the swamp azalea area on site. Furthermore, the Department finds that the proposed project will not adversely affect the Southern New England floodplain forest located across Cluff Road from the project site.
- 8. To compensate for permanent project related wetlands and surface waters impacts the applicant is proposing to preserve through conservation easement approximately 39 acres on-site, including approximately 30.3 acres of forested wetlands and approximately 8.7 acres of contiguous upland buffer, and construct approximately 8,588 square feet of forested wetlands on-site.
- 9. The proposed wetlands mitigation plan exceeds the recommended compensatory mitigation ratios described in DES Wetlands Bureau's Guidance on Wetlands Compensatory Mitigation.
- 10. In a letter to the DES Wetlands Bureau dated December 5, 2002 the Salem Conservation Commission recommended to approve the request for re-delineation of the boundary of Prime Wetland #2 and recommended to deny the application to fill Prime Wetland #2 for roadway construction.
- 11 DES Wetlands Bureau staff conducted a field inspection of the project site on February 14, 2003.
- 12. On March 12, 2003 the DES Wetlands Bureau conducted a Prime Wetland Public Hearing for the proposed project, in accordance with Rule Wt 703.03. Four members of the Salem Conservation Commission expressed their opposition to the project. Conservation Commission opposition focused primarily on the proposed access road alignment. The Salem Conservation Commission members recommended moving the access road closer to the western boundary of the lot to avoid direct impacts to Prime Wetland #2.
- 13. Based on information contained in a letter from Transportation Engineering, Planning and Policy LLC dated January 9, 2003, the Department finds that moving the access road closer to the western boundary of the lot would create undesirable traffic operations and jeopardize public safety.

2002-02474 KAUFFMAN, STEPHEN TUFTONBORO Lake Winnipesaukee

Requested Action:

- 1. Permanently remove an existing non-conforming breakwater and docking facility. 2. Fill 925 sq ft to construct 57 linear ft of breakwater, in an "L" configuration, with a 20 ft gap at the shoreline, and a 4 ft x 25 ft cantilevered pier accessed by a 6 ft x 40 ft piling and cantilevered supported pier with 3 ft by 25 ft piling supported finger pier in an "F" shaped configuration.
- 3. Dredge 7 cy from 350 sqft in the shoreward boat slip of the proposed docking facility.
- 4. Construct a 6 ft by 25 ft piling supported wharf along the shore and install 2 jetski lifts along the wharf.

Con Com has no remarks

APPROVE PERMIT:

1. Permanently remove an existing non-conforming breakwater and docking facility. 2. Fill 925 sq ft to construct 57 linear ft of breakwater, in an "L" configuration, with a 20 ft gap at the shoreline, and a 4 ft x 25 ft cantilevered pier accessed by a 6 ft x 40 ft piling and cantilevered supported pier with 3 ft by 25 ft piling supported finger pier in an "F" shaped configuration.

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- 3. Dredge 7 cy from 350 sqft in the shoreward boat slip of the proposed docking facility.
- 4. Construct a 6 ft by 25 ft piling supported wharf along the shore and install 2 jetski lifts along the wharf.

With Conditions:

- 1. All work on this average of 158 ft of frontage on Lake Winnipesaukee in Tuftonboro shall be in accordance with plans by Lakeshore Construction dated October 2, 2002, revision date March 5, 2003, as received by the Department on March 6, 2003.
- 2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
- 6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
- 7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
- 8. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
- 9. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
- 10. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
- 11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
- 12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
- 13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
- 14. Dredged material and construction debris shall be placed outside of any areas within jurisdiction.
- 15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483 B (see attached fact sheet).

With Findings:

- 1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
- 2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
- 3. The applicant has an average of 158 feet of frontage along Lake Winnipesaukee, Tuftonboro.
- 4. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
- 5. The proposed docking facility will provide 3 slips as defined per RSA 482-A and therefore meets Rule Wt 402.14.
- 6. Public hearing is waived based on field inspection, by NH DES staff, on January 22, 2003, with the finding that the project impacts will not significantly impair the resources of Lake Winnipesaukee.
- 7. The proposed breakwater and docking facility meet the required 20 setback from property lines and will provide more navigational space from the abutters than the current configuration.

-Send to Governor and Executive Council-

HAMPTON, TOWN OF 2002-02729 **HAMPTON Salt Marsh**

Decision Report 17 For Actions Taken 03/24/2003 to 03/28/2003

03/31/2003

Requested Action:

Impact approximately 600 square feet of tidal salt marsh and tidal buffer zone to the replace an existing 10 inch clay drainage pipe with a 16 inch SDR 17 HDPE (IPS) pipe with an attached Tideflex valve, and to construct a plunge pool (approximately 25 feet in diameter) at the pipe outlet and contiguous with an existing natural salt marsh swale and ditch. The plunge pool will require the removal of a portion of an existing Phragmites australis stand within the salt marsh.

Inspection Date: 01/16/2003 by Christina Altimari Inspection Date: 03/19/2003 by Craig D Rennie

APPROVE PERMIT:

Impact approximately 600 square feet of tidal salt marsh and tidal buffer zone to the replace an existing 10 inch clay drainage pipe with a 16 inch SDR 17 HDPE (IPS) pipe with an attached Tideflex valve, and to construct a plunge pool (approximately 25 feet in diameter) at the pipe outlet and contiguous with an existing natural salt marsh swale and ditch. The plunge pool will require the removal of a portion of an existing Phragmites australis stand within the salt marsh.

With Conditions:

- 1. Signed easement language allowing the proposed project to take place at the intended location shall be obtained from all property owners and submitted to DES prior to construction.
- 2. There shall be no further alteration of the tidal salt marsh and the tidal buffer zone beyond the description of this approved permit.
- 3. DES Wetlands staff shall be notified in writing a minimum of fourteen (14) days prior to commencement of work to schedule and on-site preconstruction meeting to review construction methods, determine the appropriate amount of Phragmites australis to be removed, and to determine an adequate size, shape, and location of the proposed plunge pool.
- 4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on the salt marsh.
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 6. Work shall be done during low flow and low tide conditions.
- 7. DES Wetlands staff shall be notified upon project completion.

With Findings:

- 1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal salt marsh.
- 2. Per Wt 302.01(a) and 302.04(a)(1), the need for the proposed impacts have been demonstrated, as the proposed project will provide significant improvements to the stormwater drainage outlet into the tidal salt marsh while preventing the accumulation of sediment, which currently blocks the drainage outlet.
- 3. Per Wt. 302.03 and Wt. 302.04(2), the above-listed project description represents a solution to the existing drainage problems, and is the alternative with the least adverse impact to areas and environments under the DES jurisdiction.
- 4. Public hearing for this project is waived based upon DES field inspections on January 16, 2003 and March 19, 2003, which found that the above-listed project description will provide a solution to the existing drainage problem without causing any additional adverse impact to the project's abutters or the surrounding environment.

2003-00018 KELLY PROPERTY TRUST

PORTSMOUTH Unnamed Wetland

Requested Action:

Fill 105,056 square feet of wetlands for the expansion of an existing mobile home park and to extend an existing culvert. ***********

Inspection Date: 02/28/2003 by Christina Altimari

DENY PERMIT:

Fill 105,056 square feet of wetlands for the expansion of an existing mobile home park and to extend an existing culvert.

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- 1. On January 6, 2003, DES received an application from Kelly Property Trust requesting to fill 105,056 square feet of wetlands for the expansion of an existing mobile home park and to extend an existing culvert on Portsmouth tax map 215, lot 9 ("the
- 2. The proposal to fill 105,056 square feet of wetlands is classified as a major project, per Wt 303.02 (c).
- 3. Approval must be consistent with the findings of public purpose set forth by RSA 482-A:1, and need must be demonstrated in accordance with Wt 302.01(b) and Wt 302.04(a)(1).
- 4. Per Wt. 302.03 and Wt 302.04(a)(2), the applicant must provide evidence that demonstrates the proposed alternative encompasses the least adverse impact to the area and environment under the DES Wetlands Bureau's jurisdiction.
- 5. The property currently consists of a 19 acre lot where development of a 42 unit trailer park was completed on approximately 8 acres in 1969.
- 6. In 1954, the United States Department of Agriculture, Soil Conservation Service recorded the property to have Biddeford silty clay loam (drainage classification: very poor), Gloucester sandy loam (drainage classification: good), and Scantic silt loam soils (drainage classification: poor to very poor), therefore proving that a significant amount of the currently developed portion of the property was filled wetlands prior to jurisdiction, and leaving the undeveloped remainder of the lot to be essentially all wetlands.
- 7. The applicant now proposes to fill approximately eleven (11) of the remaining fourteen (14) acres for the addition of 16 trailer units.
- 8. According to the property's files from the City of Portsmouth's Tax Assessors Office, the remaining undeveloped fourteen (14) acres on the property are classified and have been assessed as wetlands.
- 9. On January 7, 2003, DES sent a letter to Kelly Property Trust acknowledging the receipt of the application.
- 10. On November 4, 1996 NH Soil Consultants, Inc. delineated the jurisdictional wetlands on the property in accordance with the 1987 US Army Corps of Engineers Wetlands Delineation Manual, which classifies land as jurisdictional wetlands if hydrophytic plant communities, hydric soils, and wetland hydrology exist.
- 11. Using the criteria determined by the US Army Corps of Engineers, NH Soil Consultants, Inc. identified jurisdictional wetlands on a majority of the property.
- 12. On November 5, 2001, NH Soil Consultants, Inc. revisited the property at the request of the applicant, who believed there were additional uplands on the property that were not previously flagged.
- 13. A second review by NH Soil Consultants, Inc. found no additional uplands on the property, and was consistent with the first delineation.
- 14. Wetlands were delineated on two occasions by NH Soil Consultants, Inc., however the functions and values of the wetlands on the property have not been assessed for the property.
- 15. In 1994, the United States Department of Agriculture, Soil Conservation Service recorded the property having Scitico silt loam soils, drainage classification stated as poor; soil is poorly suited for development because of wetness, ponding, frost action, and slow permeability.
- 16. On June 6, 1995, DES denied a proposal by Kentucky Fried Chicken of Portsmouth (Newington Tax Map R-39/Lot 8), located on Woodbury Avenue, (NHDES Wetlands File # 1994-1120) to fill approximately 11 acres of wetlands for commercial development.
- 17. The wetlands proposed to be filled by File # 1994-1120 were defined as palustrine emergent, scrub-shrub and forested wetlands, and are contiguous with, and function in the same manner as the wetlands existing on Kelly Property Trust (File #2003-18).
- 18. Included with the materials for File #1994-1120 was an environmental assessment of the Kentucky Fried Chicken of Portsmouth property and statement of findings prepared by the US Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. The assessment found this wetland system to provide habitat for wildlife within the highly developed area, to contribute to the reduction of the nutrient load in the Piscataqua River and Great Bay, and to function as a repository for the drainage from surrounding properties.
- 19. Also included with the application materials for file #1994-1120 was a wetland functional analysis prepared by Furgo-McClelland (East) Inc., dated June 13, 1993, on the abutting Carkin property (Newington Tax Map R-39/Lot 13 and 13-1), which has wetlands contiguous with, and hydrologically connected to Kelly Property Trust. The analysis reported moderate to high values for the wetland functions evaluated using the Hollands-Magee functional assessment method. In particular, high functional scores were achieved for values from which the public is most likely to benefit: biological value, hydrologic support, ground water recharge, flood water storage, and water quality maintenance.
- 20. The applicant has not provided DES with a functional analysis of the wetlands on Kelly Property Trust, however, the overall

wetlands system, of which the wetlands located within Kelly Property Trust are part, provides a number of functional values which would rank identically, if not higher than the contiguous Carkin and Kentucky Fried Chicken of Portsmouth properties due to its lower position in the watershed and closer proximity to the Piscataqua River.

- 21. On September 25, 2002, a pre-application meeting was held at the DES Pease Field Office to discuss the proposed project.
- 22. DES clearly informed the applicant that the project proposal to fill 105,056 square feet of wetlands is not approvable according to Wt 301.01(b) and Wt 302.04(a)(1) requiring demonstrated need to impact wetlands, and Wt 302.03 and Wt 302.04(a)(2) requiring demonstrated avoidance and minimization of wetlands impacts, and least impacting alternatives.
- 23. DES clearly stated that if a Standard Dredge and Fill application for the proposed project was filed with DES, that it would be denied.
- 24. On February 28, 2003, DES conducted a field inspection of the property and found the property to contain a healthy palustrine broad leaved deciduous, needle leaved evergreen forested wetland system (PF0141E).
- 25. DES approval of this proposal would result in the loss of the healthy functioning habitat, increase nutrient loading into the Piscataqua River and Great Bay, and would increase the potential for flooding on the property and surrounding properties due to the loss of available drainage retention area.
- 26. Three individual field inspections found the property to contain a healthy functioning wetland with very little remaining buildable upland quality. The proposed project is not water or wetland dependent. Therefore, there is no demonstration of need as required by Wt 302.01(b) and Wt 302.04(a)(1) to fill 105,056 square feet of wetlands for the project proposal.
- 27. The application was not filed with any off-site alternatives, and material submitted with the application fail to demonstrate that the proposal is the alternative with the least adverse impact to the property and environment under the DES' jurisdiction, per Wt. 302.03 and Wt 302.04(a)(2).
- 28. Kelly Property Trust did not offer any plans for wetlands mitigation to compensate for the loss of 105,056 square feet of wetlands and the wetland functional values that would result from the proposed project.
- 29. As determined by the findings listed above, and per Wt 302.04(d), DES shall not grant a permit based on the fact that approval of the proposed project would cause significant degradation to the waters of the state, and result is the random and unnecessary destruction of wetlands.

2003-00096 ALTON SCHOOL DISTRICT, ATTEN: DON PARKS, SUP

03/24/2003 to 03/28/2003

ALTON Unnamed Wetland

Requested Action:

Dredge and fill 35,445 square feet within forested wetlands for roadway construction to access the proposed high school and for construction of associated athletic fields. Mitigation for permanent jurisdictional impacts shall include: Preservation via conservation easement approximately 22.4 acres on site, including 14.2 acres of wetlands and 8.2 acres of contiguous upland buffer; Restoration of 4,555 square feet of forested shrub/scrub wetland; And the construction of 3,800 square feet of forested scrub shrub wetland.

Conservation Commission/Staff Comments:

The conservation commission has no objections to the proposed application and is interested in holding the proposed conservation easement on this property.

Inspection Date: 01/09/2003 by Jocelyn S Degler

APPROVE PERMIT:

Dredge and fill 35,445 square feet within forested wetlands for roadway construction to access a proposed high school and for construction of associated athletic fields. Mitigation for permanent jurisdictional impacts shall include: Preservation via conservation easement approximately 22.4 acres including 14.2 acres of wetlands and 8.2 acres of contiguous upland buffer; Restoration of 4,555 square feet of forested shrub/scrub wetlands; and the construction of 3,800 square feet of forested scrub shrub wetlands.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering dated January 6, 2003, as received by the Department on January 16, 2003.

- 2002 4- 02/20/2002
- 2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

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- 3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. This permit is contingent on approval by the DES Site Specific Program.
- 5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 6. Work within the jurisdiction of DES Wetlands Bureau shall be done during low flow.
- 7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 8. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than five business days prior to construction.
- 9. A meeting with all of the principles involved in wetland creation and restoration areas shall be conducted prior to the commencement of any construction on this site.
- 10. This permit is contingent upon the creation, and restoration of 8355 sq. ft. of wetlands in accordance with plans received January 17, 2003.
- 11. The schedule for construction of the mitigation area shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
- 12. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.
- 13. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
- 14. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report, including photo documentation, outlining these follow-up measures and a schedule for completing the remedial work shall be submitted to the department by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.
- 15. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.
- 16. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (Lythrum salicaria) and common reed (Phragmites australis) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
- 17. This permit is contingent upon the execution of a conservation easement on 22.4 acres as depicted on plans received January 17, 2003.
- 18. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
- 19. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
- 20. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
- 21. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
- 22. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
- 23. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
- 24. Proper headwalls shall be constructed within seven days of culvert installation.
- 25. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
- 26. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 27. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

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28. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

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- 29. Silt fencing must be removed once the area is stabilized.
- 30. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

- 1. This is a major impact project per Administrative Rule Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 5. DES Staff conducted a field inspection of the proposed project on January 9, 2003. Field inspection determined the wetlands were accurately portrayed on the plans and the functions and values were consistent with the report from NH Soil Consultants dated December 2002.
- 6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine wetland ecosystem.
- 7. To compensate for permanent jurisdictional impacts the applicant will preserve via conservation easement approximately 22.4 acres of wetland and contiguous upland buffer, construct 3,800 square feet of wetland and restore 4,555 square feet of forested wetland.
- 8. The mitigation proposed to offset permanent wetland impacts on this site meets the requirements of the proposed mitigation rules.
- 9. The restoration and construction component of the mitigation proposed will hydrologically connect a small wetland system with a much larger complex.
- 10. In a letter dated January 28, 2003 the Alton Conservation Commission agreed to accept the proposed conservation easement.
- 11. The School District is proposing to incorporate the monitoring of conservation easement area in to the school curriculum.

2003-00153 USDA FOREST SERVICE, WHITE MTN. NAT'L FOREST

BERLIN Upper Ammonoosuc River

Requested Action:

Dredge and fill approximately 6,000 square feet (1,500 linear feet) within the bed and banks of the West Branch of the Upper Ammonoosuc River to restore and enhance habitat for cold-water fisheries (Phase II) by installing root wads and treetops for cover, relocating existing boulders, excavating pools, and by creating stone vortex weirs.

Inspection Date: 12/07/2001 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill approximately 6,000 square feet (1,500 linear feet) within the bed and banks of the West Branch of the Upper Ammonoosuc River to restore and enhance habitat for cold-water fisheries (Phase II) by installing root wads and treetops for cover, relocating existing boulders, excavating pools, and by creating stone vortex weirs.

- 1. All work shall be in accordance with plans by the USDA Forest Service, as received by the Department on 1/27/03.
- 2. The applicant shall notify the Wetlands Bureau of their intention to begin construction no less than five (5) business days prior to the commencement of construction.
- 3. Construction shall be inspected daily by a qualified biologist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this

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permit application and the conditions of this authorization.

- 4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.

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- 6. Work shall be done during low flow and between the months of May through September.
- 7. All in-stream work shall be conducted in a manner to minimize turbidity and sedimentation to surface waters and shall be conducted in a manner so as to minimize the duration of construction in the watercourse.
- 8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
- 9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction.
- 10. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
- 11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated as quickly as possible.
- 12. All temporary impact areas shall be properly restored.
- 13. Wetland areas that are temporarily disturbed shall be regraded and seeded with a wetland seed mix upon completing the stream restoration project.
- 14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 15. The permittee shall conduct a follow-up inspection after the first and second growing seasons, to review the success of the restoration project and schedule remedial actions if necessary. Photo documentation and a brief report shall be submitted to the Wetlands Bureau by December 1st of each year.
- 16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. The project is considered a Major Project per Rule Wt 303.02(i), as project impacts are greater than 200 linear feet within the bed and banks of the West Branch of the Upper Ammonoosuc River.
- 2. The proposed project would increase in-stream habitat diversity by placing boulders, root wads, and cover trees at key locations through a 1500 linear foot section of the West Branch of the Upper Ammonoosuc River all within the White Mountain National Forest.
- 3. The work will benefit wild brook trout, a Management Indicator Species for stream habitats within the White Mountain National Forest.
- 4. DES Wetlands Bureau staff inspected the site on 12/7/01, and found that the project was necessary to recreate cover and pool habitat that was lost from past logging activities.
- 5. The USDA Forest Service mailed a public involvement (scoping) letter from the Androscoggin Ranger District to 161 people and posted the letter on the White Mountain National Forest web page. A total of 10 responses were received concerning the project. 6 respondents offered strong support and 4 respondents supported the project but had some questions or concerns.
- 7. Public hearing is waived with the finding that the short-term construction impacts greatly outweigh the long-term benefits of restoring aquatic and riparian habitats to the area.

2003-00169 NASHUA, CITY OF

NASHUA Nashua River

Requested Action:

Application filed for determination of adjacency of proposed project to designated prime wetlands.

Conservation Commission/Staff Comments:

Nashua Conservation Commission recommends approval of the project which has been deemed not to be considered adjacent to the designated prime wetlands of the Nashua River.

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Field inspection of NH DES Wetlands file # 2003-00169, Lincoln Park, Nashua, on March 21, 2003 (delayed until now due to snow cover) together with review of the plans submitted and comments from the Nashua Conservation Commission, result in findings that this project to upgrade the existing gravel parking area, as designed, does not propose any new construction in or adjacent to the designated prime wetlands of the Nashua River.

Although the project is in proximity to the river, the footprint is essentially the same as the existing parking area and proposed drainage improvements will abate concerns for urban storm water runoff in this area.

Properly installed and maintained siltation/ erosion controls, as noted on the plans, will provide adequate protection of the resource area during construction.

Therefore, based on this determination, no prime wetlands public hearing will be held and no wetlands permit will be issued for this project since there are no additional areas in NH DES Wetlands jurisdiction proposed to be impacted by this project.

2003-00261 MALLON, FRANCES

WITHDRAW APPLICATION:

NEW CASTLE Piscataqua River Back Channel

Requested Action:

Replace an existing 8 ft. x 8 ft. float with an 8 ft. x 16 ft. float and remove three (3) rocks that are interfering with boat access to the float, providing two (2) slips on 130 feet of frontage in the Piscataqua River Back Channel in New Castle.

Inspection Date: 02/28/2003 by Christina Altimari

APPROVE PERMIT:

Replace an existing 8 ft. x 8 ft. float with an 8 ft. x 16 ft. float and remove three (3) rocks that are interfering with boat access to the float, providing two (2) slips on 130 feet of frontage in the Piscataqua River Back Channel in New Castle.

With Conditions:

- 1. All work shall be in accordance with plans by Pickering Marine Corporation dated February 3, 2003, as received by the Department on February 11, 2003.
- 2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
- 3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
- 4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
- 6. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the mud flat and shall have 3/4-inch spacing between the decking planks and the ramp shall have a minimum of 3 ft. clearance from the surface of the mud flat.
- 7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
- 8. Work shall be done during low tide.
- 9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
- 11. Rocks removed from the channel shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.

- 1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal waters.
- 2. Public hearing is waived based on DES staff field inspections on February 28, 2003 with the finding that the project impacts will not significantly impair the resources of this tidal river.

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- 3. The Pease Development Authority Division of Ports and Harbors has reviewed determined that the proposed dock does not impede navigation.
- 4. This dock is consistent with other tidal dock approvals in the seacoast region.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2001-00196 WHALLEY, GEORGE

GILFORD Lake Winnipesaukee

Requested Action:

Re-evaluate application based on recent law changes.

Conservation Commission/Staff Comments:

Gilford CC has concerns, per letter received on March 5, 2000.

APPROVE PERMIT:

Remove the 12 in wide pier constructed on the 2 existing tie-off pilings located to north side of an existing 6 ft x 30 ft permanent piling pier extending from a 14 ft 1 in x 10 ft 7 in deck over the water. Construct a 6' by 10' extension to the permanent pier, drive two additional tie-off pilings, extend the 12 inch wide peir on the southerly side to the new piling and install two 11 ft 10 in x 28 ft seasonal canopies, on 114 ft of frontage in Glendale, on Lake Winnipesaukee.

- 1. All portions of the 12 inch wide pier constructed between the tie off pilings on the northerly side of dock shall be completely remove from the frontage prior to the construction or modification of any new structures on the frontage.
- 2. The 12 inch wide pier constructed between the tie off pilings on the southerly side of the dock may remain and be extended to accommodate Mr. Whalley's physical hardship as documented in finding #2 and subject to conditions #3 and #4 below.
- 3. The southerly side (outside) of the 12 inch wide pier shall not be used for the securing of watercraft.
- 4. In the event that Mr. Whalley's physical hardship ceases to exist or Mr. Whalley relinquishes ownership of the property, the 12 inch wide pier shall be completely removed.
- 5. An as built plan showing complete dimensions of all structures on the frontage relative to both the normal high water line and property lines shall be submitted to the Wetlands Bureau within 6 weeks of the completion of the permitted work.
- 6. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 8. This permit to modify existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
- 9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
- 11. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
- 12. Both canopies and their supporting framework shall be of a seasonal construction type. Canopies shall be of flexible fabric and shall be removed for the non-boating season.

- 13. No portion of the pier shall extend more than 50 feet from the shoreline at full lake elevation.
- 14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

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15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This project is classified as a minor impact project per Rule Wt 303.03(d), modification of a 2 slip permanent docking facility.
- 2. The 12 inch wide pier constructed between the tie off pilings on the south side of the dock is necessary for safe dockage due to the applicant's physical hardship as documented in a letter received on 7/25/2002 from Eric Pollack, MD.

2001-00992 CONNELLY, BRIAN & JUDITH

ALTON Lake Winnipesaukee

Requested Action:

Amend permit: Extend two existing permanent docks with a 6 ft by 10 ft extension for a total length of 45 ft from full lake elevation of 504.32.

APPROVE AMENDMENT:

Remove two 4 ft x 38 ft cantilevered piers, a 20 ft x 12 ft 4 in crib and deck and drive 2 tie-off pilings and 4 pilings to support a lift system, install two 6 ft x 45 ft piling piers connected by a 6 ft by 11 ft 11 in walkway, install a boat lift and seasonal canopy on 357 ft of frontage in Alton Bay, Lake Winnipesaukee.

With Conditions:

- 1. All work shall be in accordance with plans by Winnipesaukee Marine Construction as revised March 26, 2003, as received by the Department on March 26, 2003.
- 2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. This permit does not allow for dredging of boat slip areas.
- 4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 6. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
- 7. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
- 8. The existing "jetty" is not an authorized structure on this frontage and shall not be repaired or maintained as such. There will be no further removal of rock from the lakebed for the purpose of maintaining a swimming area.
- 9. Canopies shall be of flexible fabric and shall be removed for the non-boating season.
- 10. Pilings supporting the piers shall be spaced no closer than 12 ft apart as measured center to center.
- 11. The docks shall not extend more than 45 ft lakeward from full lake elevation of 504.32.
- 12. All other pilings shall spaced no further than the maximum single slip width of 11 ft 11 in apart.
- 13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

- 1. This project is classified as a minor impact docking facility per Rule Wt 303.03(d) modification of a 3 slip docking facility.
- 2. The applicant has an average of 457 feet of frontage along Lake Winnipesaukee.
- 3. A maximum of 7 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
- 4. The proposed docking facility will provide 3 slips as defined per Rule Wt 101.07, Boatslip, and therefore meets Rule Wt 402.14.
- 5. This site meets the criterion of Rule Wt 402.05, Seasonal Piers, for the construction of a permanent pier.

03/24/2003 to 03/28/2003

2001-01075 POWELL, EDGAR MOULTONBOROUGH Unnamed Wetland

Requested Action:

Retain 423 sq ft of stone fill in a previously existing recreational trail and dredge 3500 sq ft of emergent wetland for the construction of a pond.

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Conservation Commission/Staff Comments:

Digitized from tax map.

Inspection Date: 12/11/2002 by Jocelyn S Degler

APPROVE PERMIT:

Retain 423 sq ft of stone fill in a previously existing recreational trail and dredge 3500 sq ft of emergent wetland for the construction of a pond.

With Conditions:

- 1. All work shall be in accordance with plans by Norway Plains Associates dated September 2002, as received by the Department on March 6, 2002.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. Areas in jurisdiction previously clear cut shall be allowed to naturally revegitate with some supplemental native plantings.
- 4. Work shall be done during low flow.
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
- 8. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
- 9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(p) Construction of a pond with less than 20,000 sq.ft. of wetlands impact 303.04(f) Projects involving alteration of less than 3000 square feet in swamps or wet meadows.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2002-00208 REBASE INC, MICHAEL KAHN PRES

GILFORD Lake Winnipesaukee

Requested Action:

Construct two 6 ft x 30 ft piling piers extending from a 6 ft x 44 ft piling pier in an "F" configuration with a permanent boatlift and 10 ft by 25 ft seasonal canopy on 205 ft of frontage on Lake Winnipesaukee, Gilford.

Conservation Commission/Staff Comments:

Con Com has concerns the boathouse should be moved 30 ft to the south to allow room for a future breakwater to the north.

Inspection Date: 07/24/2002 by Darlene Forst

APPROVE PERMIT:

Construct two 6 ft x 30 ft piling piers extending from a 6 ft x 44 ft piling pier in an "F" configuration with a permanent boatlift and 10 ft by 25 ft seasonal canopy on 205 ft of frontage on Lake Winnipesaukee, Gilford.

With Conditions:

- 1. All work shall be in accordance with plans by Fernstone Associates dated January 13, 2003, revision date March 11, 2003, as received by the Department on March 12, 2003.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
- 5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
- 7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
- 8. Repairs shall maintain existing size, location and configuration.
- 9. Pilings supporting dock surfaces shall be placed a minimum of 12 ft apart as measured center to center.
- 10. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
- 11. Canopies shall be of flexible fabric and shall be removed for the non-boating season.
- 12. The canopy shall not exceed 20 ft in height from full lake elevation of 504.32
- 13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This project is classified as a minor project per Rule Wt 303.02(d), construction of a 3-slip docking facility.
- 2. The applicant has an average of 205 feet of frontage along Lake Winnipesaukee.
- 3. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
- 4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, Boatslip, and therefore meets Rule Wt 402.14.

2002-00709 EADES, JOHN

MOULTONBOROUGH Squam Lake

Requested Action:

Install a 4' x 40' seasonal pier with a 6' x 10' extension in an L-configuration on an average of 300 feet of frontage on Squam Lake, Moultonborough

Conservation Commission/Staff Comments:

Conservation Commission has no objections to this project

APPROVE PERMIT:

Install a 4' x 40' seasonal pier with a 6' x 10' extension in an L-configuration on an average of 300 feet of frontage on Squam Lake, Moultonborough

- 1. All work shall be in accordance with plans by the applicant, as received by the Department on March 26, 2003.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
- 4. There shall be no changes to the existing 4'x 37' seasonal pier with a 10'3" x 4' extension in a T-configuration.
- 5. These shall be the only structures on this water frontage and all portions of the docks shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
- 6. Seasonal piers shall be removed from the lake for the non-boating season.
- 7. No portion of the 6' x 40' pier shall extend more than 40 feet from the shoreline at full lake elevation.
- 8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
- 9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a docking facility that exceeds the criteria for Wt 303.04.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The applicant has an average of 300 feet of frontage along Squam Lake.
- 6. A maximum of 5 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
- 7. The proposed docking facility will provide 3 slips as defined per Rule Wt 101.07, Boatslip, and therefore meets Rule Wt 402.14.

2002-01259 MARQUIS, ROBERT

RAYMOND Unnamed Wetland

Requested Action:

Fill approximately 6,656 square feet within the bed and banks of two seasonal streams and adjacent forested wetlands to install a 40-inch x 65-inch x 90-foot arch culvert, a 36-inch x 95-foot culvert, and two 24-inch x 90-foot culverts to provide roadway access to a 35-lot residential subdivision on approximately 91.65 acres. Fill approximately 420 square feet of forested wetlands to construct a gravel roadway to access a proposed recreational area, and retain 725 square feet of fill in forested wetlands to upgrade an existing woods road to provide access to a community well site, as previously authorized under Wetlands and Non-Site Specific Permit No. 2002-01254.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated June 26, 2002, the Raymond Conservation Commission requested intervention of the application to conduct further research. The DES Wetlands Bureau has not received written follow-up from the Raymond Conservation Commission refarding their intervention request.

APPROVE PERMIT:

Fill approximately 6,656 square feet within the bed and banks of two seasonal streams and adjacent forested wetlands to install a 40-inch x 65-inch x 90-foot arch culvert, a 36-inch x 95-foot culvert, and two 24-inch x 90-foot culverts to provide roadway access to a 35-lot residential subdivision on approximately 91.65 acres. Fill approximately 420 square feet of forested wetlands to construct a gravel roadway to access a proposed recreational area, and retain 725 square feet of fill in forested wetlands to upgrade an existing woods road to provide access to a community well site, as previously authorized under Wetlands and Non-Site Specific Permit No. 2002-01254.

With Conditions:

1. All work shall be in accordance with the following plans:

a. the Proposed Conditions Plan (Sheets 6, 7, & 8 of 15) by Robert G. Moynihan and Blaisdell Survey, LLC dated April 9, 2002, as received by the Department on March 24, 2003;

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- b. the Wetlands Crossing Plan (Sheet 9 of 15) by Robert G. Moynihan and Blaisdell Survey, LLC dated May 29, 2002, as received by the Department on March 24, 2003; and
- c. the Miscellaneous Details Sheet (Sheet 15 of 15) by Robert G. Moynihan dated July 25, 2001, as received by the Department on March 12, 2003.
- 2. This permit is contingent on approval by the DES Site Specific Program.
- 3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
- 6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 7. Work shall be conducted during low flow conditions.
- 8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 9. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work.
- 11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
- 12. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
- 13. Proper headwalls shall be constructed within seven days of culvert installation.
- 14. Stone aprons shall be installed at culvert outlets where appropriate to dissipate flow velocities and prevent scour and erosion.
- 15. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

- 1. The project is categorized as a Minor Project, per Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands and surface waters.
- 2. The Department finds that the applicant has sized the culvert at wetland crossing #4 in a manner that minimizes inundation and detention of storm water in upstream wetlands to the greatest extent practicable.
- 3. In a letter dated June 10, 2002 the NH Natural Heritage Inventory indicated that it has no recorded occurrences for sensitive species in the immediate vicinity of the project area.
- 4. The applicant has received written consent from the owners of abutting Lot 34 (Raymond Tax Map 4) authorizing work in the Department's jurisdiction within 20 feet of their property line, in accordance with Rule Wt 304.04(a).
- 5. The need for proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.
- 6. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
- 7. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 8. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

Decision Report For Actions Taken 30 03/24/2003 to 03/28/2003

2002-01622 MONTRONE, SANDRA

WOLFEBORO Lake Winnipesaukee

Requested Action:

Reconsider denial based on revised plans submitted by the applicant.

APPROVE RECONSIDERATION:

Reconsider and approve request to: Replace an existing 25 ft 7 in x 40 ft 4 in boathouse with a 29 ft 7 in x 48 ft 8 in boathouse and relocate an 17 ft 10 in x 38 ft 9 in permanent pier 4 ft west of its current location on 160 ft of frontage in Wolfeboro Bay, Lake Winnipesaukee.

With Conditions:

- 1. The new/relocated structures shall be in accordance with plans by Folsom Design Group dated May 10, 2002, revised February 10, 2003, as received by the Department on March 13, 2003.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. The boathouse shall be a single-story structure.
- 5. No portion of the boathouse may be converted to any use other than storage for boat or boat accessories.
- 6. This permit does not allow for maintenance dredging.
- 7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
- 8. Repairs shall maintain existing size, location and configuration.
- 9. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
- 10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
- 11. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 12. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
- 13. All dredged or excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This project is classified as a minor impact project per Rule Wt 303.03(d), modification of a 4 slip docking facility.
- 2. The proposed modifications will result in 6 sq ft reduction of construction surface area over public submerged lands, and therefore, meets the requirements of Rule Wt 402.22, Modification of Existing Structures.

2002-02171 BUCKNAM, SUSAN

MOULTONBOROUGH Lake Winnipesaukee

Requested Action:

Permanently remove existing 3 ft x 39 ft pier connected to a 3 ft x 39 ft pier with a 9 ft x 13 ft walkway connected to a 4 ft x 10 ft swim deck accessed by a 4 ft x 6 ft walkway in an "H" configuration, and replace with two 6 ft x 40 ft seasonal hinged piers connected by a seasonal 6 ft x 11 ft 11 in walkway accessed by a 6 ft x 6 ft walkway on an average of 152 ft of frontage on Lake Winnipesaukee.

Conservation Commission/Staff Comments:

Con. Com. erroneously objected to the project for lack of shoreline frontage, however frontage is over 150 ft, which is adequate for this application.

APPROVE PERMIT:

Permanently remove existing 3 ft x 39 ft pier connected to a 3 ft x 39 ft pier with a 9 ft x 13 ft walkway connected to a 4 ft x 10 ft swim deck accessed by a 4 ft x 6 ft walkway in an "H" configuration, and replace with two 6 ft x 40 ft seasonal hinged piers connected by a seasonal 6 ft x 11 ft 11 in walkway accessed by a 6 ft x 6 ft walkway on an average of 152 ft of frontage on Lake Winnipesaukee.

With Conditions:

- 1. All work shall be in accordance with plans by Center Harbor Dock & Pier dated March 7, 2003, as received by the Department on March 10, 2003.
- 2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. All portions of the existing "H" shaped structure shall be completely removed from the frontage prior to the construction of any new structures on the frontage.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 6. Seasonal piers shall be removed for the non-boating season.
- 7. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
- 8. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
- 9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of an existing 3 slip docking structure.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2002-02462 OBRIEN, JOAN

MOULTONBOROUGH Lake Winnipesaukee

Requested Action:

Remove 1 rock approximately 55 ft off shore and an existing 4 ft x 24 ft seasonal dock and replace with two 6 ft x 25 ft piling piers connected by a 6 ft x 8 ft walkway and a 6 ft x 15 ft walkway in a "Y" configuration accessed by 6 ft x 7 ft stairs, and install two 3-piling ice clusters on an average of 164 ft of frontage on Braun Bay, Lake Winnipesaukee.

Conservation Commission/Staff Comments:

Con. Com. did not respond

APPROVE PERMIT:

Remove 1 rock approximately 55 ft off shore and an existing 4 ft x 24 ft seasonal dock and replace with two 6 ft x 25 ft piling piers connected by a 6 ft x 8 ft walkway and a 6 ft x 15 ft walkway in a "Y" configuration accessed by 6 ft x 7 ft stairs, and install two 3-piling ice clusters on an average of 164 ft of frontage on Braun Bay, Lake Winnipesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 2, 2003, as received by the Department on March 10, 2003.

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- 2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 5. Rocks removed from the lake bed shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 6. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
- 7. No portion of the docks shall extend more than 36 ft lakeward of the normal highwater line, Elevation 504.32.
- 8. Support pilings shall be spaced a minimum of 12 ft apart as measured from center to center.
- 9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a 3 slip docking facility.
- 2. The need for the proposed impacts has been demonstrated by the Department using wind speed data on file for rulemaking purposes.

2002-02742 HOLLAND, THEODORE

MOULTONBOROUGH Lake Winnipesaukee

Requested Action:

Conservation Commission/Staff Comments:

Con. Com. signed

APPROVE PERMIT:

Permanently remove existing 4 ft x 40 ft seasonal dock and construct a 6 ft x 40 ft hinged seasonal pier connected to 6 ft x 36 ft hinged seasonal pier by a 6 ft x 12 ft seasonal walkway on an average of 250 ft of frontage on Long Island, Lake Winnipesaukee.

- 1. All work shall be in accordance with plans by Watermark Marine Construction dated December 4, 2002, as received by the Department on December 30, 2002.
- 2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 5. Seasonal piers shall be removed from the lake for the non-boating season.
- 6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
- 7. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
- 8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a docking system that exceeds the design and construction criteria set out in Wt 402.01 for minimum impact docks.

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- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00032 GASSMAN, WILLIAM

MOULTONBOROUGH Lake Winnipesaukee

Requested Action:

Replace an existing seasonal 6 ft by 30 ft wharf accessed by a 6 ft by 10 ft seasonal walkway and construct a 6 ft by 40 seasonal dock on Lake Winnipesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com has no objections.

APPROVE PERMIT:

Replace an existing seasonal 6 ft by 30 ft wharf accessed by a 6 ft by 10 ft seasonal walkway and construct a 6 ft by 40 seasonal dock on Lake Winnipesaukee, Moultonborough.

With Conditions:

- 1. All work shall be in accordance with plans by Center Harbor Dock and Pier as received by the Department on March 27, 2003.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. Repair shall maintain existing size, location and configuration.
- 5. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
- 6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
- 7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
- 9. These shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
- 10. Seasonal piers shall be removed from the lake for the non-boating season.
- 11. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
- 12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

- 1. This is a minor impact project per Administrative Rule Wt 303.03(d).
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has sufficient frontage for 3 boatslips per Wt 402.14.
- 4. The proposed project provides for 3 boatslips per RSA 482-A.

2003-00098 POMARICO, FRANK

CONWAY Pequawket Pond

Requested Action:

Dredge and fill 447 square feet within the bed and banks of Pequawket Pond to remove silt deposits and to stabilize the shoreline at an existing culvert outlet, which will help to eliminate a stormwater discharge and erosion problem on a residential lot. Work will include removing silt from the bed of the pond, installing a stone-lined plunge pool and channel at the culvert outlet, and restoring the eroded shoreline.

APPROVE PERMIT:

Dredge and fill 447 square feet within the bed and banks of Pequawket Pond to remove silt deposits and to stabilize the shoreline at an existing culvert outlet, which will help to eliminate a stormwater discharge and erosion problem on a residential lot. Work will include removing silt from the bed of the pond, installing a stone-lined plunge pool and channel at the culvert outlet, and restoring the eroded shoreline.

With Conditions:

- 1. All work shall be in accordance with plans by White Mountain Survey Co., Inc., as received by the Department on 1/16/03.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
- 4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. Work shall be done during drawdown.
- 6. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
- 7. A proper headwall shall be installed over the culvert end.
- 8. The culvert outlet shall be properly rip rapped.
- 9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
- 11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. The project is classified as a Minor Project per NH Administrative Rule Wt 303.03(h), as impacts are less than 20,000 square feet to the bed and banks of Pequawket Pond.
- 2. The project is necessary to remove silt from the bed of the pond, to improve the stormwater discharge on a residential lot, and to control on-site erosion of the bank.

2003-00114 STARK, JAMES & JUMANNA

MEREDITH Lake Winnipesaukee

Requested Action:

Install a 6 ft x 30 ft seasonal pier connected to an existing 6 ft x 30 ft seasonal pier with a 3 ft x 12 ft seasonal walkway accessed by 4 ft x 4 ft stairs on an average of 320 ft of frontage on Meredith Bay, Lake Winnipesaukee.

Conservation Commission/Staff Comments:

Con. Com. signed

Applicant has installed an illegal 3 ft x 14.5 ft walkway between existing nonconforming 18 ft x 18 ft crib dock and existing 6 ft x 30 ft seasonal pier. Illegal walkway must be removed prior to construction.

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APPROVE PERMIT:

Install a 6 ft x 30 ft seasonal pier connected to an existing 6 ft x 30 ft seasonal pier with a 3 ft x 12 ft seasonal walkway accessed by 4 ft x 4 ft stairs on an average of 320 ft of frontage on Meredith Bay, Lake Winnipesaukee.

With Conditions:

- 1. All work shall be in accordance with plans by Watermark Marine Construction dated March 20, 2003, as received by the Department on March 26, 2003.
- 2. No new structures shall be constructed on this frontage until the illegal 3 ft x 14 ft 6 in walkway connecting existing 6 ft x 30 ft seasonal pier with existing nonconforming 18 ft x 18 ft crib dock is completely remove from the jurisdiction of the Wetlands
- 3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 6. Seasonal piers shall be removed for the non-boating season.
- 7. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
- 8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
- 9. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
- 10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of an existing docking structure.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00237 NH DEPT OF TRANSPORTATION

DALTON Black Brook

Requested Action:

Replace and widen bridge deck from 28 to 32 feet curb to curb, construct wider abutments and wing walls and install stone protection at the four quadrants impacting a total of 1,375 sq. ft. of stream and banks (875 sq. ft. temporarily).

APPROVE PERMIT:

Replace and widen bridge deck from 28 to 32 feet curb to curb, construct wider abutments and wing walls and install stone protection at the four quadrants impacting a total of 1,375 sq. ft. of stream and banks (875 sq. ft. temporarily). NHDOT project #99049S.

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- 1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance signed 1/23/03, as received by the Department on February 6, 2003.
- 2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
- 3. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
- 4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
- 5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
- 6. Temporary cofferdams shall be entirely removed immediately following construction.
- 7. Construction equipment shall not be located within surface waters.
- 8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
- 9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
- 10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
- 13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
- 14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
- 15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
- 16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
- 17. Any work outside of the Right of Way shall be coordinated with the landowner prior to construction in those areas.

With Findings:

- 1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of channel and banks.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00398 BRADFORD, TOWN OF

BRADFORD West Branch Brook

Requested Action:

Dredge and fill 1,636 square feet (including 543 square feet of temporary impacts) in riverine wetlands and within the banks of the West Branch Brook to replace the Fairgrounds Road Bridge. Work within jurisdiction consists of construction of new abutments, a new bridge deck and replacement of a dry hydrant.

APPROVE PERMIT:

Dredge and fill 1,636 square feet (including 543 square feet of temporary impacts) in riverine wetlands and within the banks of the

West Branch Brook to replace the Fairgrounds Road Bridge. Work within jurisdiction consists of construction of new abutments, a new bridge deck and replacement of a dry hydrant.

With Conditions:

1. All work shall be in accordance with plans by SEA Consultants, Inc., as received by the Department on February 26, 2003.

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- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. Work shall be done during low flow.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
- 6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
- 7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
- 8. Temporary cofferdams shall be entirely removed immediately following construction.
- 9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
- 10. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
- 11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 12. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
- 13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 14. In accordance with a phone conversation on March 17, 2003, between DES and SEA Consultants, disturbed areas along the southwest shoulder (area of stone wall removal) shall be loamed, graded and seeded following completion of work.
- 15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

- 1. This is a minor impact project per Administrative Rule Wt 303.03(l), Disturbance of less than 200 linear feet of a perennial stream channel.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The project, construction of a new, larger bridge and road realignment will be a benefit to public safety.
- 6. The existing bridge is on the NHDOT Municipal red list.
- 7. DES Staff conducted a field inspection of the proposed project on March 20, 2003. Field inspection determined the project will have no adverse impacts to the environment.

MINIMUM IMPACT PROJECT

Requested Action:

Fill approximately 162 square feet within the bed and bank of the Ellis River impacting 27 linear feet to install 8 large boulders for scour protection along the shoreline of the Glen Ellis Family Campground.

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APPROVE AFTER THE FACT:

Fill approximately 162 square feet within the bed and bank of the Ellis River impacting 27 linear feet to install 8 large boulders for scour protection along the shoreline of the Glen Ellis Family Campground.

With Conditions:

- 1. All work shall be in accordance with the application and plans by the applicant, as received by the Department on 2/14/03.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. Future projects to stabilize the banks of the Ellis River shall consider vegetative stabilization methods to protect the bank from erosion.
- 4. Appropriate siltation/erosion controls shall be maintained until the area is stabilized.

With Findings:

1. This project is considered a Minor Project per NH Administrative Rule Wt 303.03 (l), as there is less than 200 linear feet of impact to the banks.

2001-00112 WOOD, STEPHEN M & NANCY Z

NORTH HAMPTON Unnamed Wetland

Requested Action:

Fill 907 sq. ft. of wetlands and install an 18" culvert in an intermittent stream for construction of crossing from one agricultural field to another

Conservation Commission/Staff Comments:

Did not report. This action was tied to an enforcement case which is being resolved.

APPROVE PERMIT:

Fill 907 sq. ft. of wetlands and install an 18" culvert in an intermittent stream for construction of crossing from one agricultural field to another.

With Conditions:

- 1. All work shall be in accordance with plans by Holden Engineering, as revised by Peter Schauer dated 10/30/02, as received by the Department on 1/13/03.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
- 4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 5. Proper headwalls shall be constructed within seven days of culvert installation.
- 6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

2002-01644 KRISTINE NIPPERT REVOCABLE TRUST

MADISON Silver Lake

Requested Action:

03/31/2003

03/24/2003 to 03/28/2003

Proposed Amendment:

Applicant requests an extension to October 1, 2003 of Condition #2, requiring that the mulched area be completed by July 1, 2003.

APPROVE AMENDMENT:

Remove non-conforming 18 ft x 8 ft 6 in perched beach with approximately 144 sq ft of fill surrounded by 30 linear ft of retaining wall and a 9 ft jetty; and replace with a 10 ft x 16 ft perched beach utilizing 10 cu yds of sand accessed by a 3 ft x 25 ft stone stairway with 3 ft stone steps recessed in the bank accessing the water on approximately 150 ft of frontage on Silver Lake.

With Conditions:

Amend Conditions to Read:

- 1. All work shall be in accordance with plans by Belknap Landscape Co. dated January 28, 2003, as received by the Department on January 30, 2003.
- 2. The restoration of the "Mulched Area" as shown on the existing conditions plan shall be completely replanted by October 1, 2003. Photographs depicting this restoration shall be submitted to the DES Wetlands Bureau by October 15, 2003. Failure to restore this area shall be considered a violation and may result in further enforcement as described in the Letter of Deficiency issued to the applicant on September 26, 2002.
- 3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 4. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 5. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
- 6. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
- 7. The steps installed for access to the water shall be located completely landward of the normal high water line.
- 8. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.
- 9. This permit shall be used only once, and does not allow for annual beach replenishment.
- 10. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
- 11. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
- 12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 13. No addition or alteration of the existing seasonal dock will be allowed without a permit.
- 14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a perched beach.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2002-02221 NORTHAM BUILDERS INC

DOVER Unnamed Wetland

Requested Action:

Retain 1,600 sq. ft. of fill in an isolated, man-made wetland, and, as mitigation, create 2,800 sq. ft. of wet meadow wetlands

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03/31/2003

adjacent to existing wetlands.

Conservation Commission/Staff Comments:

Con. Com. recommends approval.

APPROVE AFTER THE FACT:

Retain 1,600 sq. ft. of fill in an isolated, man-made wetland, and, as mitigation, create 2,800 sq. ft. of wet meadow wetlands adjacent to existing wetlands.

With Conditions:

- 1. All work shall be in accordance with plans by Tritech Engineering Corp. dated 10/3/03, as received by the Department on 10/7/03.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

Wetland construction:

- 1. This permit is contingent upon the (creation, restoration, etc) of 2,800 sq. ft. of wetlands in accordance with plans received 10/7/03.
- 2. The mitigation area shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.
- 3. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.
- 4. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
- 5. Wetland creation and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
- 6. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
- 7. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
- 8. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.
- 9. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (Lythrum salicaria) and common reed (Phragmites australis) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

With Findings:

- 1. Materials received 3/17/03 confirm that this wetland developed as a result of loam stockpiling and removal on the site during construction which created a disturbed area that developed into a marginal isolated wetland.
- 2. Plans received 3/7/03 further document that this wetland did not exist when the original wetlands delineation was done for this site in 1994 prior to site development.
- 3. This is a minimum project per Wt 303.04(f).
- 4. The 2,800 sq. ft. of creation area offered by the applicant adequately compensates for the requested impact.

2002-02472 CONSIDINE, JAMES & KATHLEEN

CANDIA Unnamed Wetland

Requested Action:

Fill 2,300 square feet of palustrine-forested wetlands to construct driveway access for lot 41, part of a 2-lot subdivision.

Conservation Commission/Staff Comments:

In a memo dated 9/16/02, NHI identified a Great Blue Heron rookery near the project location; however, the applicant is requesting to impact a palustrine forested wetland at the front of the lot that is over ³/₄ of a mile away from the rookery location (approximately 4,225 feet to the north), thus no impact will occur to the rookery community.

APPROVE PERMIT:

Fill 2,300 square feet of palustrine-forested wetlands to construct driveway access for lot 41, part of a 2-lot subdivision.

With Conditions:

- 1. All work shall be in accordance with the revised plans by Jones & Beach Engineers Inc. dated 3/13/03, as received by the Department on 3/17/03.
- 2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
- 4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
- 5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
- 7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

- 1. This project is considered a Minimum Impact Project per NH Administrative Rule Wt 303.04(f), as wetland impacts are less than 3,000 square feet.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. NHI identified a Great Blue Heron rookery near the project location; however, the applicant is requesting to impact a palustrine forested wetland at the front of the lot that is over ¾ of a mile away from the rookery location (approximately 4,225 feet to the north).

2003-00035 FORBES, PAULA

DOVER Unnamed Wetland

Requested Action:

Fill 2,799 square feet of undisturbed wetlands for the construction of a single family residence.

03/24/2003 to 03/28/2003 42

03/31/2003

DENY PERMIT:

Fill 2,799 square feet of undisturbed wetlands for the construction of a single family residence.

With Findings:

- 1. On January 7, 2003, DES received an application from Paula Forbes requesting to fill 2,799 square feet of wetlands for the construction of a single family residence on Dover tax map I, lot 364 ("the property").
- 2. On January 8, 2003, DES sent a letter to Ms. Forbes acknowledging the receipt of the application.
- 3. The proposal to fill 2,799 square feet of wetlands is classified as a minimum impact project according to wetlands regulations, Wt 303.04 (f), projects in wetlands proposing less than 3,000 square feet of fill.
- 4. Approval must be consistent with the findings of public purpose set forth by RSA 482-A:1, and that need must be demonstrated in accordance with Wt 302.01(b).
- 5. Per Wt. 302.03, the applicant must provide evidence that demonstrates the proposed alternative encompasses the least adverse impact to the area and environment under the DES Wetlands Bureau's jurisdiction.
- 6. In October 2002 Carex Ecosystem Sciences conducted an on-site delineation and evaluation of the wetlands on the property in accordance with the 1987 US Army Corps of Engineers Wetlands Delineation Manual.
- 7. According to the 1987 US Army Corps of Engineers Wetlands Delineation Manual, land is classified as a jurisdictional wetland if each of the following criteria is met; hydrophytic plant communities exist, hydric soils exist, and wetland hydrology is present.
- 8. Using the criteria determined by the US Army Corps of Engineers, Carex Ecosystem Sciences identified jurisdictional wetlands existing over ninety percent of the property.
- 9. The property lines were zoned in 1978, prior to the City of Dover's wetland regulations, and is therefore grandfathered under Dover Zoning Section 170-27.1, I(2). However, DES regulations predate the delineation of the property, and do not require DES to comply with the City of Dover's zoning.
- 10. Development of this lot is dependent on complete conversion of wetlands to upland with no means to avoid or minimize wetland impacts as required by Wt 302.03. The wetlands regulations were in place at the time the applicant purchased the property.
- 11. Materials submitted in support of this application fail to demonstrate the relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters or the impact on abutters, per the requirements of Wt 302.04(b)(3) and Wt 302.04(b)(4).
- 12. Per Wt 302.04(d)(5), the department shall not grant a permit if the requirements of Wt 302.03 are not met, or where the applicant has failed to document consideration of factors as required in Wt 30.04(b).
- 13. Approval of this project proposal would not be consistent the findings of public purpose set forth by RSA 482-A:1, or previous decisions issued by the DES Wetlands Bureau.

2003-00139 SAWIN, FREDRICK

SALEM Arlington Pond

Requested Action:

Repair 147 linear ft of retaining wall during drawdown on an average of 125 ft of frontage on Arlington Pond.

Conservation Commission/Staff Comments:

Con. Com. signed

APPROVE PERMIT:

Repair 147 linear ft of retaining wall during drawdown on an average of 125 ft of frontage on Arlington Pond.

With Conditions:

- 1. All work shall be in accordance with plans by Fred G. Sawin dated March 28, 2003, as received by the Department on March 28, 2003.
- 2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

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- 5. Repair shall maintain existing size, location and configuration.
- 6. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
- 7. Work shall be done during drawdown.
- 8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(c), repair and replacement of an existing retaining wall performed during drawdown.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00383 WARREN, JOHN & ELAINE

SUNAPEE Lake Sunapee

Requested Action:

Install a 4 ft x 24 ft hinged seasonal dock on an average of 50 ft of frontage on Birch Point, Lake Sunapee.

Conservation Commission/Staff Comments:

Locus on USGS map doesn't match tax map. Digitized from tax map. Con. Com. signed. Does not qualify for Expedited, as property has only 50 ft of frontage (must have 75 ft to qualify).

APPROVE PERMIT:

Install a 4 ft x 24 ft hinged seasonal dock on an average of 50 ft of frontage on Birch Point, Lake Sunapee.

With Conditions:

- 1. All work shall be in accordance with plans by Richard Gree, as received by the Department on March 4, 2003.
- 2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 5. Seasonal piers shall be removed for the non-boating season.
- 6. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
- 7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal pier.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00389

BROWER, HOWARD

HILL Needle Shop Brook

Requested Action:

Approval to retain fill of 850 sq ft in jurisdiction for existing 11 ft x 55 ft timber bridge and driveway grade on the south side of the bridge. Approve new fill of approximately 1200 sq ft in jurisdiction for driveway approach to the existing bridge for access to a 100 acre lot for a single family residence.

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Conservation Commission/Staff Comments:

The conservation commission has not commented on this application.

APPROVE AFTER THE FACT:

Approval to retain fill of 850 sq ft in jurisdiction for existing 11 ft x 55 ft timber bridge and driveway grade on the south side of the bridge. Approve new fill of approximately 1200 sq ft in jurisdiction for driveway approach to the existing bridge for access to a 100 acre lot for a single family residence.

With Conditions:

- 1. All work shall be in accordance with plans by Beaver Brook Environmental dated January 27, 2003, as received by the Department on March 3, 2003.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 6. Work shall be done during low flow.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04 (h) Istallation of a bridge provided that: (1) No work is done in the water or wetland; (2) The fill does not exceed 3,000 sq.ft. of fill on the banks of a river or bed of the river;
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2003-00489 AB THOMPSON TRUST, C/O STATE STREET BANK

TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:

Tamworth Tax Map 204, Lot# 1

EXPEDITED MINIMUM

2003-00360 NESTER, JOHN & JUDITH

BARRINGTON Unnamed Wetland

Requested Action:

Fill 604 square feet of forested wetlands and install a 15-inch x 35-foot culvert to construct a driveway to provide access to a 2-lot residential subdivision on approximately 11.47 acres.

Conservation Commission/Staff Comments:

The Barrington Conservation Commission signed the Minimum Impact Application on February 25, 2003.

Inspection Date: 03/24/2003 by Christian P Williams

APPROVE PERMIT:

Fill 604 square feet of forested wetlands and install a 15-inch x 35-foot culvert to construct a driveway to provide access to a 2-lot residential subdivision on approximately 11.47 acres.

With Conditions:

- 1. All work shall be in accordance with the Wetland Crossing Plan by Blaisdell Survey, LLC dated February 10, 2003, as received by the Department on February 28, 2003.
- 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
- 5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 6. Work shall be conducted during low flow conditions.
- 7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 8. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 9. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
- 10. Proper headwalls shall be constructed within seven days of culvert installation.
- 11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

- 1. The project is categorized as a Minimum Impact Project, per Rule Wt 303.04(f).
- 2. On March 24, 2003 DES Wetlands Bureau staff conducted a field inspection of the site. Based on the aforementioned field inspection the Department finds that the forested wetland to be filled to provide driveway access to the proposed 2-lot subdivision

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does not appear to be hydrologically connected to Barrington Prime Wetland #38. Furthermore, the Department finds that there does not appear to be a hydrologic connection between proposed lot 16A and Barrington Prime Wetland #38. As a result, the Department finds that the proposal will not result in a significant net loss of the functions and values of Prime Wetland #38.

- 3. The need for proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01(b).
- 4. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
- 5. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

2003-00375 FISHER, JOHN

NEWBURY Lake Sunapee

Requested Action:

Decision Report

For Actions Taken

Remove and replace an existing 3 ft by 40 ft permanent dock supported by two 2 ft by 2 ft cribs with an attached 6 ft by 8 ft section lakeward supported by a 5 ft by 7 ft crib on 45 ft of frontage on Lake Sunapee, Newbury.

Conservation Commission/Staff Comments:

Con Com signed Exp application

APPROVE PERMIT:

Remove and replace an existing 3 ft by 40 ft permanent dock supported by two 2 ft by 2 ft cribs with an attached 6 ft by 8 ft section lakeward supported by a 5 ft by 7 ft crib on 45 ft of frontage on Lake Sunapee, Newbury.

With Conditions:

- 1. All work shall be in accordance with plans by Central Lakes Dock as received by the Department on March 3, 2003.
- 2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. Repair shall maintain existing size, location and configuration.
- 4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
- 6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
- 8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
- 9. Construction debris and dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
- 10. Existing rocks shall be used for the crib construction, no new rocks.
- 11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v).

2003-00376 DIETZ, ROBERT & PATRICIA

MEREDITH Lake Wicwas

Requested Action:

Replenish an existing beach with not more than 10 cy of clean sand in 830 sqft, install a 6 ft by 30 ft seasonal dock accessed by a 6 ft by 10 ft seasonal walkway on Lake Wicwas, Meredith.

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Conservation Commission/Staff Comments:

Con Com signed Exp application but requests a modifiction of a perched beach.

Within the Prime Wetland buffer.

APPROVE PERMIT:

Replenish an existing beach with not more than 10 cy of clean sand in 830 sqft, install a 6 ft by 30 ft seasonal dock accessed by a 6 ft by 10 ft seasonal walkway on Lake Wicwas, Meredith.

With Conditions:

- 1. All work shall be in accordance with plans as received by the Department on March 3, 2003.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
- 4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
- 5. Seasonal pier shall be removed from the lake for the non-boating season.
- 6. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
- 7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 8. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
- 9. This permit does not allow for expansion of the existing sloped beach, sand shall be placed in the existing beach footprint only.
- 9. This permit shall be used only once, and does not allow for annual beach replenishment.
- 10. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
- 11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(d).
- 2. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 3. Field Inspection on 12/11/02 of an adjacent site clarified the project is 250 ft from prime wetland #39 and is hydrologically down gradient from that wetland; it was therefore determined that this project is not adjacent to prime wetlands.

2003-00377 SOVEREIGN REALTY DEVELOPMENT

LONDONDERRY Unnamed Wetland

Requested Action:

Conservation Commission/Staff Comments:

Londonderry Conservation Commission signed expedited minimum application 2/27/03.

APPROVE PERMIT:

Dredge and fill 817 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway/ culvert crossing to access a single family house lot on a 1.03 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants dated 1-6-2003, as received by the Department on March 03, 2003.

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- 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
- 4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 6. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
- 7. Proper headwalls shall be constructed within seven days of culvert installation.
- 8. Culvert outlet shall be properly rip rapped.

2003-00378 YELTON TRUST, EVERETT & MADELYN

NEW LONDON Pleasant Lake

Requested Action:

Repair approximately 100 linear feet of an existing stone and mortar retaining wall on 231 feet of shoreline frontage, New London

Conservation Commission/Staff Comments:

Poor locus information. No tax map. Digitized from previous file.

APPROVE PERMIT:

Repair approximately 100 linear feet of an existing stone and mortar retaining wall on 231 feet of shoreline frontage, New London

With Conditions:

- 1. All work shall be in accordance with plans by the applicant, as received by the Department on March 3, 2003.
- 2. Any future alteration of areas in or adjacent to surface water or wetlands on this property will require a new application and approval by the Department of Environmental Services.
- 3. Work shall be done during drawdown.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 5. Repair shall maintain existing size, location and configuration.
- 6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
- 7. All activity shall be in accordance with the Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2003-00379 NAMAY, ANDREA

GILFORD Lake Winnipesaukee

Requested Action:

Replace 1 damaged fender piling on an average of 209 ft of frontage on Sanders Bay, Lake Winnipesaukee.

Conservation Commission/Staff Comments:

Con. Com. signed

APPROVE PERMIT:

Replace 1 damaged fender piling on an average of 209 ft of frontage on Sanders Bay, Lake Winnipesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnipesaukee Marine Construction dated February 6, 2003, as received by the Department on March 3, 2003.

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- 2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 5. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
- 6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
- 7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2003-00396 BOLAND, MARY

SANDOWN Unnamed Wetland

Requested Action:

Conservation Commission/Staff Comments:

The Minimum Impact Expedited Application was signed by the Sandown Conservation Commission on March 4, 2003.

APPROVE PERMIT:

Fill approximately 2,455 square feet of forested wetlands and install an 18-inch x 100-foot culvert with stone outlet apron to construct a roadway to provide access to a 10-lot residential subdivision on approximately 29.2 acres.

With Conditions:

- 1. All work shall be in accordance with the Subdivision Plan (Sheets 4 & 5 of 14) by James M. Lavelle Associates dated September 23, 2002, as received by the Department on March 5, 2003; and the Roadway Grading and Drainage Plan (Sheets 6 & 7 of 14) and Construction Details (Sheet 13 & 14 of 14) by Gregsack Engineering, Inc. dated November 2002, as received by the Department on March 5, 2003.
- 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.

- 5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 6. Work shall be conducted during low flow conditions.
- 7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 8. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 9. Proper headwalls shall be constructed within seven days of culvert installation.

- 10. Stone aprons shall be installed at culvert outlets where appropriate to dissipate flow velocities and prevent scour and erosion.
- 11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

- 1. The project is categorized as a Minimum Impact Project, per Rule Wt 303.04(f), as the project involves alteration of less than 3,000 square feet in forested wetlands.
- 2. The Wetlands Bureau has not received comments from the Exeter River Local Advisory Committee or the DES Rivers Coordinator.
- 3. The need for proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01(b).
- 4. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
- 5. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
- 6. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

2003-00440 PSNH

NORTHWOOD Unnamed Wetland

Requested Action:

Dredge and fill 25 sq. ft. of palustrine scrub-shrub/ emergent wetlands to install one utility pole adjacent to current pole no.2223 on line 3137 inside PSNH ROW crossing over Ridge Road in Northwood.

APPROVE PERMIT:

Dredge and fill 25 sq. ft. of palustrine scrub-shrub/ emergent wetlands to install one utility pole adjacent to current pole no.2223 on line 3137 inside PSNH ROW crossing over Ridge Road in Northwood.

With Conditions:

- 1. All work shall be in accordance with plans by PSNH Engineering Division dated 9-2-88, as received by the Department on March 11, 2003.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

GOLD DREDGE

2003-00522 OBRIEN, KEVIN (ALL TOWNS) Unnamed Stream

SEASONAL DOCK NOTIFICATIO

2003-00512 EMERY, CLIFFORD &BETSEY CHESTERFIELD Spofford Lake